

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

HOUSE BILL No. 66

(By Mr. Knight)



PASSED March 8 1945

In Effect From Passage

66  
3-12

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**House Bill No. 66**

(By MR. KNIGHT)

[Passed March 8, 1945; in effect from passage.]

AN ACT to amend and reenact article two, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, relating to the establishment and conduct of public recreation and playgrounds.

*Be it enacted by the Legislature of West Virginia:*

That article two, chapter ten of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 1. *Definitions.*—(a) The term “governing body”  
2 as used in this article shall be construed to mean any city  
3 council, city commission, county court, or body acting in  
4 lieu thereof, or county board of education in the state of  
5 West Virginia; (b) the term “governmental division”  
6 when hereinafter used in this article shall be construed to  
7 mean any city, town, county, or school district in the

8 state of West Virginia; (c) the term "board" when herein-  
9 after used in this article shall be construed to mean any  
10 board, commission, committee, or council appointed or  
11 designated to carry out the provisions of this article.

Sec. 2. *Authority to Establish and Conduct Public Rec-*  
2 *reation and Playgrounds; Levy.*—The governing body of  
3 any governmental subdivision may provide, establish,  
4 maintain, and conduct, a system of public recreation, in-  
5 cluding recreation centers, parks, swimming pools, play-  
6 grounds, and any and all other recreation facilities and  
7 activities; may set apart for such use any land or build-  
8 ings and other recreational facilities by gift, purchase,  
9 lease, condemnation, bond issue, or otherwise, and may  
10 improve, maintain, and equip, and conduct the same;  
11 may employ a director of recreation and assistants and  
12 other personnel as they deem proper; may set up in their  
13 respective budgets funds to be spent for such purposes.  
14 Any such governing body or governmental division may  
15 levy annually for such purposes, in the manner provided  
16 by law for other levies: *Provided, however,* That in case  
17 sufficient funds cannot be raised by ordinary levies, addi-

18 tional funds may be raised as provided by section sixteen,  
19 article eight, chapter eleven of the code.

Sec. 3. *Joint Establishment and Administration by Two  
2 or More Governmental Divisions.*—Any two or more gov-  
3 erning bodies may jointly establish and conduct such a  
4 system of recreation, including recreation centers, parks,  
5 swimming pools, playgrounds, and any and all other rec-  
6 reation facilities and activities; and may exercise all the  
7 powers given by this article. The respective governing  
8 bodies operating such a program or programs jointly may  
9 provide by agreement among themselves for all matters  
10 connected with such programs and determine what items  
11 of cost and expense shall be paid by each.

Sec. 4. *How Conducted, Delegation of Administration;  
2 Recreation Board or Commission.*—The governing body or  
3 bodies establishing such a system may conduct the same  
4 through a department or bureau of recreation, or may  
5 delegate the administration thereof to a recreation board  
6 created by it or in conjunction and cooperation with an-  
7 other governing body or bodies as hereinbefore provided,  
8 or to a school board or to any other appropriate existing

9 board. If the governing body or bodies shall decide to  
10 delegate the administration to a recreation board, the  
11 board shall consist of not fewer than five nor more than  
12 nine persons which may include representation from the  
13 school board, and shall be appointed by the governing  
14 authority or an equal number appointed by each govern-  
15 ing body where a system is established jointly by more  
16 than one governing body as hereinbefore provided, which  
17 members shall serve for a term of not less than three  
18 years nor more than five years, or until their successors  
19 are appointed, except that the members of such board  
20 first appointed shall be appointed for such terms that the  
21 terms of not more than two-fifths of the members shall  
22 expire annually thereafter. Vacancies in such board  
23 occurring otherwise than by expiration of term shall be  
24 filled for the unexpired term in the same manner as origi-  
25 nal appointments. Members of such board shall serve  
26 without pay. Said board shall organize, adopt, and pro-  
27 mulgate rules and regulations for the conduct, administra-  
28 tion and management of said program: *Provided, however,*  
29 That in the case of a joint recreation program sponsored

30 by two or more governing bodies, said rules and regula-  
31 tions shall be made subject to the approval of the respec-  
32 tive governing bodies.

Sec. 5. *Article Not to Affect Powers Granted by Special*  
2 *Acts.*—The provisions of this article shall not in any wise  
3 repeal, affect or limit the powers and provisions hereto-  
4 fore or hereafter granted to any city, town, district, county,  
5 school district or independent school district, under the  
6 provisions of any charter or by any special act or acts of  
7 the Legislature, to establish, maintain and conduct parks  
8 and public recreation and playgrounds.

9 All laws or parts of laws inconsistent herewith are  
10 hereby repealed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Charles C Morris  
Chairman Senate Committee

J. Ade Greeting  
Chairman House Committee

Originated in the House

Takes effect From passage.

J. Howard Myers  
Clerk of the Senate

J. R. Ruff  
Clerk of the House of Delegates

Donald M. Ticker  
President of the Senate

John E. Amos  
Speaker House of Delegates

The within Approved this the 12<sup>th</sup>

day of March, 1945.

Clarence Meadows  
Governor.



Filed in the office of the Secretary of State  
of West Virginia **MAR 12 1945**  
Wm. S. O'BRIEN,  
Secretary of State